



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS TEXAS 75202-2733

FIELD CONSENT ORDER
FOR EMERGENCY RESPONSE

The United States, acting through the Environmental Protection Agency (EPA) is informing you of a release, or threatened release of a hazardous substance, pollutant or contaminant into the environment at {facility and/or address} Gerdau Ameristeel
300 Ward, Midlothian, TX, 76065

_____. This incident occurred on or about {date and time} May 26, 2008 2030
{describe release and hazardous substance} Emissions from hydrocarbon fire, firefighting runoff with high pH resulting in fish kill (minor fish kill on site)

_____. EPA has initially determined that you {person/company name and title} Glen Carlisle Plant Manager
Gerdau Ameristeel are the owner, operator, or person in charge of the facility that is the source of the above referenced release, or threatened release, of a hazardous substance, pollutant or contaminant.

The removal action required as a result of this release is necessary to protect the public health, welfare, or the environment and, if carried out in compliance with the terms of this order will be consistent with the National Consistency Plan (NCP). The EPA has authority to stop further contamination from occurring and to clean up or otherwise addressing any contamination that has already occurred.

LIABILITY

The discharge or the threat of discharge of a hazardous substance is a violation of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9601 as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Although the EPA may take appropriate action to minimize or mitigate damage to the public health or welfare that is threatened or may be caused by this incident, the NCP encourages persons responsible for discharges to voluntarily and promptly perform removal actions.

WORK

Under CERCLA, specifically Section 104(a)(1), 42 U.S.C. § 9604(a), potentially responsible parties (PRPs) may be allowed to perform cleanup actions EPA determines to be necessary to protect the public health, welfare, or the environment. The EPA has determined that a response action is necessary to abate the conditions at the location mentioned above. As long as the On-Scene Coordinator (OSC) determines that the response action is necessary to protect the public health, welfare, or the environment, the response action may be performed.

activity will generally be limited to observing the progress of your actions and providing guidance as necessary. This process is called oversight.

RESPONSE COSTS

Additionally, CERCLA 107(a), 42 U.S. C. § 9607 (a) states that PRPs may be held liable for all costs incurred by the EPA (including interest) in responding to any release or threatened release of hazardous substances. After all necessary work has been completed EPA will request payment for oversight and associated cost incurred in responding to this discharge, or threat of discharge of hazardous substance, pollutants, or contaminants into the environment. The request for payment will be accompanied by a cost summary report documenting the cost incurred at the site. **Agreeing to the Field Consent Order to perform work does not constitute an agreement to pay response cost.**

WORK TO BE PERFORMED

If you agree to perform the cleanup in accordance with the instructions outlined in the attached Statement of Work please sign and date below.

Responsible Party Received and Acknowledged by:

[Signature]
[SIGNATURE]

Date: 5/27/08

GLEN JACOB
[PRINT NAME]

Title: 5/27/08

200 WARD ROAD, Middleburg Heights, OH 44130
[MAILING ADDRESS]

(972) 779-2000
[PHONE NUMBER]

Federal On-Scene Coordinator

[Signature]
[SIGNATURE]

Date: 5/27/08

[Signature]
[PRINT NAME]

[Signature]
[PHONE NUMBER]

[Signature]
[MAILING ADDRESS]

Superfund Division Director

Samuel J. Coleman, Director
Superfund Division

Date: _____

Attachment: Statement of Work to Be Performed

If not signed in the field, please mail to Cindy Brown, Removal Coordinator (6SF-TE) at the address on the letterhead or fax the document to her at (214) 665-6660.

Statement of Work

Conduct assessment and response activities to mitigate the threats from the fire, offsite plume migration, and any actual or potential fire water, oil, or chemical runoff from the facility. Runoff and other affected media such as soil, etc., shall be sampled, characterized, and disposed of to meet appropriate federal, state, and local laws and regulations

Gerdau Ameristeel shall perform the following tasks

- Operate response activities under the Unified Command System with the Fire Department and EPA
- Create firefighting lanes to facilitate firefighting activities.
- Generate a Quality Assurance Sampling Plan and perform split sampling to assess off-site impacts. Constituents of Concern are: RCRA 8 Metals, PCBs, TPH, SVOCs, and VOCs. The plan shall include up to 3 locations at the discretion of the OSC.
- Perform air-monitoring operations in the adjacent neighborhoods.